IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

Bail Appl..No. 3561 of 2007()

CRIME NO.101/2007 OF KOVALAM POLICE STATION

PETITIONERS/ACCUSED NOS.1 & 5:

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1. KRISHNANASHARI, KAMALA BHAVAN,
   VELLAR, VENGOOR VILLAGE, TRIVANDRUM.

2. ANIL KUMAR, S/O.KRISHNANASHARI,
   KAMALA BHAVAN,
   VELLAR, VENGANOOR VILLAGE, TRIVANDRUM.

3. MADHUSOODHANAN, S/O.KRISHNANASHARI,
   KAMALA BHAVAN, VELLAR, VENGANOOR VILLAGE,
   TRIVANDRUM.

4. MAHESHWARANASHARI,
   S/O.VELAYUDHANASHARI, RETHNKARA MANDIRAM,
   VENGANOOR VILLAGE, TRIVANDRUM.

5. PRABHAKARAN, S/O.BHARGAVAN,
   MANGACHIRA HOUSE, THIRUVALLAM VILLAGE,
   TRIVANDRUM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS: STATE

SUB INSPECTOR OF POLICE,
KOVALAM STATION, TRIVANDRUM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No.3561/2007

Dated this the 14th day of June, 2007

O R D E R

Petitioners who are accused Nos. 1 to 5 in Crime No. 101/2007 of Kovalam Police Station for offences punishable under Sections 341, 323, 324 and 379 read with section 34 I.P.C., seek anticipatory bail. The occurrence took place on 26.1.2007.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the first accused to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate having jurisdiction. Accordingly, the first accused shall surrender before the investigating officer on any day between 21.6.2007 and 23.6.2007 for the purpose of interrogation and recovery of incriminating material, if any. The first accused shall thereafter be produced on the same day before the Magistrate who shall release him on bail on appropriate conditions.

4. Having regard to the nature of the allegations levelled against accused Nos.2 to 5 and the other circumstances of the case, I am inclined to grant anticipatory bail to accused 2 to 5.

Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release accused Nos.2 to 5 on bail for a period of one month in the event of their arrest (accused Nos.2 to 5) in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

(a). Accused Nos. 2 to 5 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). Accused Nos.2 to 5 shall make themselves available for interrogation as and when required by the Investigating Officer.

(c). Accused Nos.2 to 5 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). Accused 2 to 5 shall not commit any offence while on bail.

(e). Accused 2 to 5 shall surrender before the

Magistrate concerned and seek regular bail in the meanwhile.

If accused Nos. 2 to 5 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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